

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JUDITH RE,

Plaintiff,

v.

JODI R.R. SMITH, and
BARNES & NOBLE, INC.,

Defendants.

C.A. No. 04-11385-RGS

JOINT STATEMENT AND PROPOSED DISCOVERY PLAN

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1, counsel for plaintiff Judith Ré, and counsel for defendants Jodi R.R. Smith and Barnes & Noble, Inc. ("Defendants") submit this Joint Statement and Proposed Discovery Plan.

I. RULE 26(f) CONFERENCE OF THE PARTIES

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 16.1(b), counsel for Ms. Ré and defense counsel spoke on July 30, 2004 to discuss: (i) the nature and basis for their claims and defenses; (ii) the possibility for a prompt settlement or resolution of the case; (iii) to arrange for the disclosures required by Rule 26(a)(1); (iv) to develop a proposed pretrial plan for the case that includes a discovery plan; (v) to prepare an agenda of items to be discussed at the scheduling conference; and (vi) to consider whether they will consent to trial by magistrate judge. Pursuant to Local Rule 16.1(c), Ms. Ré shall provide a written settlement proposal to each of the Defendants no later than 10 days before the initial scheduling conference before the Court.

II. PROPOSED JOINT SCHEDULE

The parties request that the Court adopt the following schedule:

EVENT	DATE
Initial Disclosures served, including production of identified documents	August 30, 2004
Completion of Fact Discovery	February 1, 2005
Plaintiff's Fed. R. Civ. P. 26 Expert Disclosures	February 15, 2005
Defendants' Fed. R. Civ. P. 26 Expert Disclosures	April 1, 2005
Final Pre-Trial Conference	To be scheduled by the Court

III. PLAINTIFF'S PROPOSED SCHEDULE REGARDING MOTION FOR PRELIMINARY INJUNCTION

In addition to the joint schedule that the parties have agreed to above, the plaintiff's propose the following schedule related to a motion for preliminary injunction:

EVENT	DATE
Motion for Preliminary Injunction filed	September 15, 2004
Opposition to the Motions for Preliminary Injunction Filed	September 29, 2004
Reply to the Opposition to the Motion for Preliminary Injunction Filed	October 5, 2004
Hearing on Motion for Preliminary Injunction	To be scheduled by the Court

IV. MODIFICATION OF SCHEDULED DATES

All dates set forth herein may be modified by written agreement of the parties, approved by the Court.

V. TRIAL BY MAGISTRATE

The parties are not willing to consent to a trial by magistrate judge.

VI. PRIVILEGE LOG

The parties agree to exchange privilege logs with respect to any documents withheld from the initial disclosures on the basis of any privilege by August 30, 2004.

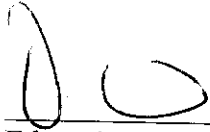
VII. CERTIFICATIONS

Counsel for the parties certify that they have conferred with their respective clients (a) with a view to establishing a budget for the costs of conducting the full course - and various alternative courses - of this litigation; and (b) to consider the resolution of this litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

Respectfully submitted,

JUDITH RÉ,

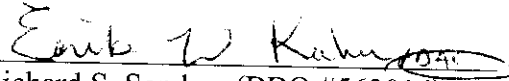
By her attorneys,



Edward P. Leibensperger (BBO #292620)
Daniel A. Curto (BBO #639883)
McDermott Will & Emery LLP
28 State Street
Boston, MA 02109
(617) 535-4177

JODI R.R. SMITH AND
BARNES & NOBLE, INC.

By their attorneys,



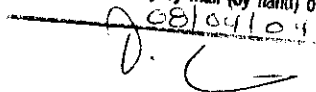
Richard S. Sanders (BBO #562014)
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Boston, MA 02109
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and

Erik W. Kahn, Esq.
Todd J. Braverman, Esq.
Kira P. Watson, Esq.
Bryan Cave LLP
1290 Avenue of the Americas
New York, NY 10104
(212) 541-2000

CERTIFICATION OF SERVICE

I hereby certify that a true copy of the above
document was served upon the attorney of record
for each other party by mail (by hand) on

08/04/04


McDermott Will & Emery

August 4, 2004

BY HAND

Clerk's Office
United States District Court
District of Massachusetts
U.S. Courthouse
One Courthouse Way
Boston, MA 02210

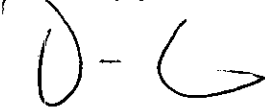
Re: Judith Ré v. Jodi R.R. Smith and Barnes & Noble, Inc.
Civil Action No. 04-11385 RGS

Dear Sir/Madam:

Enclosed for filing please find the Joint Statement and Proposed Discovery Plan of the parties pursuant to Local Rule 16.1. Kindly acknowledge the receipt and filing of the above document by date-stamping the enclosed copy of this letter and returning it to me by my messenger.

Thank you for your assistance and cooperation.

Sincerely yours,



Daniel A. Curto

DAC:jml

Enclosures

cc: Richard S. Sanders, Esq. (*By Hand Delivery*)
Erik W. Kahn, Esq. (via facsimile)
Kira P. Watson, Esq. (via facsimile)
Edward P. Leibensperger, Esq.

BST99 1301842-1.064521.0010

U.S. practice conducted through McDermott Will & Emery LLP.

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